



STATE OF DELAWARE
PUBLIC SERVICE COMMISSION
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MEMORANDUM

TO: The Chair and Commissioners

FROM: Lisa B. Driggins, Public Utilities Analyst

DATE: February 24, 2021

SUBJECT: IN THE MATTER OF EVERSTREAM SOLUTIONS, LLC APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE ACCESS TELECOMMUNICATIONS SERVICES (SUBMITTED OCTOBER 2, 2020); (FILED FEBRUARY 1, 2021) - PSC DOCKET NO. 20-0624

Background

On February 1, 2021, Everstream Solutions, LLC (“Everstream” or the “Company”) filed a completed application (the “Application”) with the Delaware Public Service Commission (“Commission”) for a Certificate of Public Convenience and Necessity (“CPCN”) to provide facilities-based competitive access telecommunications services in the State of Delaware. The Delaware Public Service Commission Staff (“Staff”) has reviewed the Application to determine its compliance with Delaware Law and the Rules and Regulations promulgated in 26 *Del. Admin. C.* § 4001.

Application

The Company’s original filing was submitted on October 2, 2020 but did not meet the minimum filing requirements (“MFR’s”). Staff requested, and the Company filed, the following additional documentation: a) a copy of the Delaware business license, b) proof of publication of the public notice in at least one (1) newspaper of general circulation, c) an updated initial tariff and d) a signed, sworn verification for any subsequent filings in support of the Application.

Financial, Operational, Managerial and Technical Ability

The Company provided proof issued by the Delaware Secretary of State and the Delaware Division of Revenue that it is legally authorized and qualified to do business in the State of Delaware. To demonstrate its financial capability, Everstream provided to Staff Company officer verified consolidated financial statements, reflecting its financial status as of December 31, 2019. The Company provided the contact information for a Delaware Registered Agent listed in the Application as The Corporation Trust Company, Wilmington, DE.

The Company anticipates serving customers in the entire State of Delaware as permitted by law and Commission Order. The Company proposes to provide facilities-based competitive access telecommunications services to business customers throughout the entire State of Delaware. Applicant seeks authorization to provide point-to-point, point-to-multipoint, and multipoint to multipoint dedicated high capacity transmission services that connect one or more customer-designated locations to the Company. The service may utilize Ethernet interfaces, optical fiber and/or coaxial cable facilities, and will be designed and provisioned on an individual case basis pursuant to contracts with customers.

To demonstrate its technical and operational capabilities, the Company provided Staff with detailed management biographies of the Company's senior management and directors along with a description of the Company's technical expertise.

Pursuant to 26 *Del. Admin. C.* § 4001-4.3, a copy of the Application was provided to the Division of the Public Advocate, through the Commission's electronic filing system DelaFile, and public notice of the Application was published in both the *Delaware State News* and *The News Journal* newspapers on January 4, 2021. Staff reports that it received no formal comments or objections to the Company's Application for a CPCN.

Tariff

The Company provided initial tariff sheets or price sheets, which are required for switched access service under 26 *Del. Admin. C.* § 4001-4.5. However, the Company also asserted that they would not be offering switched access services in Delaware.

Waiver

As part of its Application, the Company requested pursuant to 26 *Del. C.* § 208(b) that it be authorized to maintain its books and records relating to its Delaware operations outside of the State of Delaware. Staff believes that the waiver request to maintain the Company's books and records outside of Delaware is reasonable and Staff recommends that the Commission grant this request.

In the Application, the Applicant asserts they will secure an interconnection agreement as necessary to provide the proposed services detailed in its Application. Staff has informed the Company that before starting any business in the state, the Applicant will be required to file an interconnection agreement with the Commission.

The Chairman and Members of the Commission
February 24, 2021
PSC Docket No. 20-0624

Staff Recommendation

Based on Staff's review and analysis, the Company has shown that it has the financial, operational, and technical means to provide telecommunications services in Delaware. Therefore, Staff recommends that the Commission grant Everstream a CPCN to provide facilities-based competitive access telecommunications services within the State of Delaware.